

Remarks

The Office Action mailed June 29, 2005 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-20 are now pending in this application. Claims 8-16 stand rejected. Claims 1-7 have been withdrawn from consideration. Claims 17-20 are newly added. No new matter has been added.

No fee calculation sheet is needed for newly added claims however, if any fees are due, authorization to charge a deposit account in the amount of the fees due is submitted herewith.

The rejection of Claims 8-16 under 35 U.S.C. § 112, second paragraph, is respectfully traversed. Applicant respectfully submits that Claims 8-16 satisfy Section 112, second paragraph. More specifically, Applicant respectfully submits that Claims 8-16 are definite and particularly point out and distinctly claim the subject matter of the invention. Applicant has amended Claims 8 and 10 as suggested by the Examiner. Applicant respectfully submits that Claims 8 and 10 satisfy Section 112.

Claims 9-16 depend from independent Claim 8. For the same reasons that Claim 8 satisfies Section 112, Claims 9-16 likewise satisfy Section 112, second paragraph. For the reasons set forth above, Applicant respectfully requests that the Section 112 rejections of Claims 8-16 be withdrawn.

The rejection of Claims 8, 10-11, 14, and 16 under 35 U.S.C. § 102(b) as being anticipated by Ruggiere, Sr. et al. (U.S. Patent No. 5,772,108) ("Ruggiere") is respectfully traversed.

Applicant respectfully submits that Ruggiere does not describe or suggest the claimed invention. As discussed below, at least one of the differences between Ruggiere and the present invention is that Ruggiere does not describe or suggest a method for making a composite collapsed bulk bin assembly that includes providing at least one substantially stretchable

reinforcing sleeve formed with *a tubular portion having a longitudinal axis and circumference wherein the circumference, when the tubular portion is flattened and in an unstressed state, is less than an external circumference of the bulk bin body, when the bulk bin body is in a flat, collapsed configuration.* (Emphasis added.)

Ruggiere describes an octagonal container that is formed from corrugated paperboard with overlapping flaps for eliminating gaps in the container bottom wall. Polypropylene straps are automatically applied to the container when in its flattened condition for providing girth support to the container when in its erected condition. The straps are positioned from the lower portion of the container side walls at ever increasing distances from each other for limiting container bulge when carrying products having varying effects on the container. With such an arrangement of straps, economically and environmentally desirable single and double wall corrugated paperboard can be used where typically triple wall and laminated paperboard containers are used.

Claim 8 recites a “method for making a composite, reinforced collapsed bulk bin assembly, capable of being erected to a deployed, articulated configuration, comprising the steps of...providing at least one blank, operably configured to form, upon manipulation and adhesion along a manufacturer's joint thereof, a collapsed bulk bin body...manipulating and adhering the at least one blank, along the manufacturer's joint to provide a bulk bin body, with at least one bottom panel and a plurality of side walls, operably configured to be disposed substantially perpendicular to the at least one bottom panel, when the bulk bin body is in a deployed configuration...positioning the bulk bin body in a collapsed configuration, wherein some of the side walls are disposed in juxtaposed, overlying, parallel orientation relative to remaining ones of the side walls...providing at least one substantially stretchable reinforcing sleeve, the at least one reinforcing sleeve being formed with a tubular portion, having a longitudinal axis and a circumference which, when the tubular portion is flattened and in an unstressed state, is less than an external circumference of the bulk bin body, when the bulk bin body is in a flat, collapsed configuration...and placing the at least one reinforcing sleeve, snugly about the plurality of side walls, of the bulk bin body, when the bulk bin body is in its collapsed configuration, so that

when the at least one reinforcing sleeve is in position about the plurality of side walls of the bulk bin body, the reinforcing sleeve is slightly stretched, relative to an at-rest, unstressed state of the reinforcing sleeve.”

Ruggiere does not describe or suggest the method recited in Claim 8. More specifically Ruggiere does not describe or suggest a method for making a composite collapsed bulk bin assembly that includes providing at least one substantially stretchable reinforcing sleeve formed with *a tubular portion having a longitudinal axis and a circumference which, when the tubular portion is flattened and in an unstressed state, is less than an external circumference of the bulk bin body, when the bulk bin body is in a flat, collapsed configuration.* (Emphasis added.)

Rather, Ruggiere describes “steps of conveying the flattened container for placing a strap around the container for providing girth support to the container when in an erected condition” wherein “the ends [of the strap] are secured by *heat seal*, wherein the tension does not cause the container side panels to bow.” (Col. 4, lines 6-8), (Col. 6, lines 41-44). (Emphasis added.)

The Office Action asserts that “the reinforcing sleeves are pre-stretched (force applied and removed) and are placed in tension around the collapsed bin body therefore hav[ing] a circumference less than the external circumference of the bulk bin body.” Applicant traverses this assertion. Ruggiere discloses securing a strap by *heat seal*. While the strap may be pre-stretched, it is imperative, for the process of heat sealing, that the strap have a *greater circumference* than the circumference of the bulk bin. To suggest that the strap has a lesser circumference than the bulk bin negates the ability to heat seal the strap as described in Ruggiere. Accordingly, Ruggiere does not describe or suggest providing at least one substantially stretchable reinforcing sleeve formed with *a tubular portion having a longitudinal axis and a circumference which, when the tubular portion is flattened and in an unstressed state, is less than an external circumference of the bulk bin body, when the bulk bin body is in a flat, collapsed configuration.* (Emphasis added.) Rather, Ruggiere describes placing a strap around a flattened container and heat sealing the strap for providing support when the container is in an

erected position. Since these straps are placed around the container, the Ruggiere straps cannot have a circumference that is less than an external circumference of the container.

For the reasons set forth above, Claim 8 is submitted to be patentable over Ruggiere.

Claims 10-11, 14, and 16 depend, directly or indirectly, from independent Claim 8. When the recitations of Claims 10-11, 14, and 16 are considered in combination with the recitations of Claim 8, Applicant submits that dependent Claims 10-11, 14, and 16 likewise are patentable over Ruggiere.

For the reasons set forth above, Applicant respectfully requests that the Section 102 rejection of Claims 8, 10-11, 14, and 16 be withdrawn.

The rejection of Claim 9 under 35 U.S.C. § 103 as being unpatentable over Ruggiere is respectfully traversed.

Ruggiere is described above. In addition, the Office Action takes “OFFICIAL NOTICE that the inclusive range would have been obvious to one of ordinary skill in the art at the time the invention was made.”

Claim 9 depends from independent Claim 8. Claim 8 is recited hereinabove.

As discussed above, Ruggiere do not describe or suggest the method recited in Claim 8. More specifically Ruggiere do not describe or suggest a method for making a composite collapsed bulk bin assembly that includes providing at least one substantially stretchable reinforcing sleeve formed with *a tubular portion having a longitudinal axis and a circumference which, when the tubular portion is flattened and in an unstressed state, is less than an external circumference of the bulk bin body, when the bulk bin body is in a flat, collapsed configuration.* (Emphasis added.) In addition, the Official Notice taken in the Office Action does not make up for the deficiencies of Ruggiere with respect to Claim 8. Accordingly, Claim 8 is patentable over Ruggiere in view of the Official Notice.

When the recitations of Claim 9 are considered in combination with the recitations of Claim 8, Applicant submits that dependent Claim 9 is likewise patentable over Ruggiere in view of the Official Notice.

The Office Action “takes OFFICIAL NOTICE that the inclusive range would have been obvious to one of ordinary skill in the art at the time the invention was made.” The Applicant traverses this OFFICIAL NOTICE. Ruggiere neither describes nor suggests stretching the straps around the bulk bin, rather Ruggiere describes continually forming the strap about the outside surface of the panels. Moreover, Ruggiere neither describes nor suggests stretching the straps in the amount of one or two percent of its at-rest, unstressed circumference. Applicant submits that it would not have been obvious to modify Ruggiere to obtain the claimed recitations of Claim 9. Obviousness cannot be established merely by suggesting that it would have been obvious to one of ordinary skill in the art to have selected an alternative design choice. Rather, each allegation of what would have been an obvious matter of design choice must always be supported by citation to some reference work recognized as standard in the pertinent art, and the Applicant given an opportunity to challenge that correctness of the assertion or the repute of the cited reference. Applicant has not been provided with the citation to any reference supporting the proposed modification made in the rejection.

For at least the reasons set forth above, Claim 9 is submitted to be patentable over Ruggiere.

The rejection of Claims 12 and 15 under 35 U.S.C. § 103 as being unpatentable over Ruggiere in view of Tobin (U.S. Patent No. 5,129,609) (“Tobin”) is respectfully traversed.

Ruggiere is described above. Tobin describes a flexible trash bag support apparatus adapted for use with conventional trash bags. The apparatus includes a substantially rigid flat back, two foldably connected side members, and trash bag holding slots which can secure trash bags in the desired position. The back may include an extension rendering it taller than the two side members so as to serve as a backboard for allowing refuse thrown at the bag to be deflected thereinto. Additionally, the surfaces of the back and side members may be coated with a

conventional; waterproof substance to protect them from damage and increase the life span of the apparatus.

Claims 12 and 15 depend from independent Claim 8. Claim 8 is recited hereinabove.

Neither Ruggiere nor Tobin, considered alone or in combination, describe or suggest the claimed invention. As discussed below at least one of the differences between the recited references and the present invention is that neither Ruggiere nor Tobin, considered alone or in combination, describe or suggest a method for making a composite collapsed bulk bin assembly that includes providing at least one substantially stretchable reinforcing sleeve formed with *a tubular portion having a longitudinal axis and a circumference which, when the tubular portion is flattened and in an unstressed state, is less than an external circumference of the bulk bin body, when the bulk bin body is in a flat, collapsed configuration.* (Emphasis added.)

Rather Ruggiere describes “steps of conveying the flattened container for placing a strap around the container for providing girth support to the container when in an erected condition” wherein “the ends [of the strap] are secured by *heat seal*”. As discussed above, Ruggiere describes placing a strap around a flattened container and heat sealing the strap for providing support when the container is in an erected position. Since these straps are placed around the container, the straps in Ruggiere cannot have a circumference that is less than an external circumference of the container.

With respect to Tobin, Tobin describes an apparatus and method for supporting a garbage bag. In Tobin, the garbage bag has a greater circumference than the apparatus. Tobin therefore teaches away from a lesser circumference in that such a design as implemented in Tobin would cause the garbage bag to tear and render Tobin unsatisfactory. Furthermore the garbage bag as described in Tobin is not used to support or reinforce the box. Rather the box supports the garbage bag. Tobin neither describes nor suggests the reinforcing sleeve found in the claimed invention. Accordingly, Claim 8 is patentable over Ruggiere in view of Tobin.

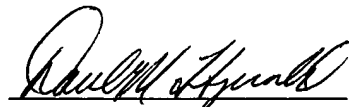
When the recitations of Claims 12 and 15 are considered in combination with the recitations of Claim 8, Applicant submits that dependent Claims 12 and 15 likewise are patentable over Ruggiere in view of Tobin.

For at least the reasons set forth above, Applicant respectfully request that the Section 103 rejection of Claims 12 and 15 be withdrawn.

Newly added Claims 17-20 depend from independent Claim 8, which is submitted in condition for allowance and is patentable over the cited art. For at least the reasons set forth above, Applicant respectfully submits that Claims 17-20 are also patentable over the cited art.

In view of the foregoing amendments and remarks, all of the Claims now active in the application are believed to be in condition for allowance. Favorable action is respectfully solicited.

Respectfully Submitted,



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